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J1059 U.S. PTO

PATENT
Attorney Docket 044921-5054-02

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JC857 U.S. PTO
09/923321
08/08/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BOX PATENT APPLICATION

Commissioner for Patents
Washington, D.C. 20231

Prior Application: 09/524,794
Examiner: Stephanie Zitomer, Ph.D.
Group Art Unit: 1655

CONTINUATION PATENT APPLICATION TRANSMITTAL

This is a request for filing a patent application under 37 C.F.R. § 1.53(b).

1. This application is a Continuation Patent Application under 37 C.F.R. § 1.53(b) of pending prior application No. 09/524,794 filed on March 14, 2000 of:

Inventor: Patricia D. Murphy of Slingerlands, N.Y.

For: Determining Common Functional Alleles in a Population and Uses Therefor

2. The papers enclosed are as follows:

75 Pages of specification including
01 Title Page
19 Pages of claims
01 Page of abstract
01 Drawing sheet containing 1 Figure

3. Oath or Declaration

A copy of an oath or declaration from a prior application is enclosed under 37 C.F.R. § 1.63(d). The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied is considered as part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

4. Relate Back - 35 U.S.C. § 120

Please amend the specification by inserting before the first line the sentence:

A 1
This is a continuation application of application No. 09/524,794 filed March 14, 2000 which is a divisional application of application No. 09/129,134 filed August 4, 1998, which is a continuation-in-part application of application No. 08/905,772 filed August 4, 1997, abandoned, which is a continuation-in-part application of application No. 08/798,691 filed February 12, 1997 (issued as U.S. Patent No. 5,750,400 on May 12, 1998), which is a continuation-in-part application of application No. 08/598,591 filed February 12, 1996 (issued as U.S. Patent No. 5,654,155 on August 5, 1997), which is also a continuation-in-part application of application No. 09/084,471 filed March 22, 1998, all of which are herein incorporated by reference in their entirety. -

5. Assignment

The prior application is assigned of record to OncorMed Inc. recorded on October 21, 1998 at Reel 9532 on Frame 0245 and subsequently assigned to Gene Logic Acquisition Corp. on February 28, 2001 at Reel 011585 on Frame 0614.

6. Extension of Time in Parent, application No. 09/524,794

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply. Applicant petitions for a three month extension of time in parent application, application No. 09/524,794, the extension fee of \$445.00 as set out in 37 C.F.R. § 1.17(a)-(d). If an additional extension of time is required, please consider this a Petition therefor. A check in the amount of \$445.00 for payment of the extension of time fee is enclosed.

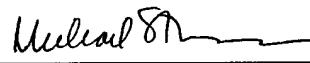
7. Fee Calculation (37 C.F.R. § 1.16)

CLAIMS FOR FEE CALCULATION				
	Number Filed	Extra	at Rate of	Basic Fee \$710.00
Total Claims	143 - 20	123	\$ 18.00 each =	+\$2,214.00
Independent Claims	20 - 3	17	\$ 80.00 each =	+\$1,360.00
Multiple dependent claims			\$270.00	+\$270.00
SUB-TOTAL =				\$4,554.00
Reduction by ½ for filing by a small entity				-\$2,277.00
TOTAL FILING FEE =				\$2,277.00

8. **Fee Payment. The application filing fee is not being paid by Check nor Deposit Account at this time.** This application is being filed under the provisions of 37 C.F.R. § 1.53(f). Applicant awaits notification from the Patent and Trademark Office of the time set for paying the filing fee.
9. **Small Entity Status is claimed** and a small entity statement was filed in the prior non-provisional application and is still proper and desired.
10. The power of attorney in the prior application is to at least one of the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all correspondence shall be addressed to that Customer Number. Please address all correspondence to Morgan, Lewis & Bockius LLP at Customer No. 009629.
11. **Petition for Extension of Time.** If any extension of time is necessary for the filing of this application, including any extension in the prior application, application No. 09/524,794 filed March 14, 2000 for the purpose of maintaining copendency between the prior application and the present application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to Deposit Account No. 50-0310.
12. **Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310.** This paragraph is intended to be an **Constructive Petition for Extension of Time** in accordance with 37 C.F.R. § 1.136(a)(3).
13. Additional papers enclosed: Copy of Submission of Revocation of Original Power of Attorney and Grant of New Power of Attorney by Assignee.

Dated: **August 8, 2001**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1800 M Street, N.W.
Washington, D.C. 20036
202-467-7000

Respectfully submitted
Morgan, Lewis & Bockius LLP


Michael S. Tuscan
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